IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

P.I.L. SUO MOTU WRIT PETITION NO. 8 OF 2005

Dr. Sandip Rane. ... Petitioner.

V/s.

The Commissioner of Bombay
Municipal Corporation & Ors. ... Respondents.

Ms. Deepali Khare i/b. Shiralkar & Co. for the Petitioner.
Mr. N.S. Dhumal for Respondent No.3.
Mr. K.K. Singhavi, Sr. Advocate with Ms. Shobha Ajeet Kumar and Ms. P.A. Purandare for the Respondent/B.M.C.
Mr. N.P. Pandit, A.G.P. for the Respondent/State.

WITH

P.I.L. SUO MOTU WRIT PETITION NO. 3 OF 2005

Kewal Semlani. ... Petitioner.

V/s.

The Commissioner of Bombay
Municipal Corporation & Ors. ... Respondents.

Mr. Kewal Semlani, Petitioner-in-person.
Mr. P.P. Chawan i/b. Little & Co. for Respondent No.11.
Mr. Umesh Shetty a/w. Ms. Rejuta Joshi i/b. Mulla & Mulla for Respondent No.5.
Mr. K.K. Singhavi, Sr. Adv. with Ms. Shobha Ajeet Kumar and Ms. P.A. Purandare for the Respondent/B.M.C.
Mr. N.P. Pandit, A.G.P. for the Respondent/State.

WITH

P.I.L. WRIT PETITION NO.259 OF 2005

Janhit Manch & Ors. ... Petitioners.

V/s.

Brihanmumbai Municipal Corporation
& Ors. ... Respondents.

Ms. Bhagwanji Rayani, Petitioner-in-person.
Mr. K.K. Singhavi, Sr. Adv. with Ms. Shobha Ajeet
Kumar and Ms. P.A. Purandare for the Respondent/B.M.C.
Mr. N.P. Pandip, A.G.P. for the Respondent/State.

CORAM : J.N. PATEL AND
A.A. SAYED,JJ.

DATE : 17TH OCTOBER, 2007.

P.C. :

. Heard learned Counsel for the parties.

2. On the basis of the letter written by Dr. Sandip Rane, this Court took Suo Motu cognizance of the news item in the year 2005 published in the "Indian Express" under the caption "as road tolls shoot up, pot-holes take their toll" and issued notices to all the concerned parties. This Court also appointed a committee of vigilant citizens including one Advocate of this Court. The issue was joined by Dr. Sandip Rane, Mr. Kewal Semlani and Janhit Manch & Others. Thereafter, in response to the issues raised in the petition relating to conditions of road in the city of Mumbai, various directions have been issued and the respondent-corporation and M.M.R.D.A. and other concerned authorities have taken steps to improve the conditions of roads. The committee also submitted its report alongwith the suggestions which

were taken up for consideration and follow up action was taken.

3. It is submitted on behalf of the petitioner that this Court should extend the term of the committee and continue to monitor the status of roads within the Municipal Corporation of Greater Mumbai, though the petition has already been disposed of by this Court by its order dated 23rd November 2006 with a liberty to the parties to revive the same and that is how the petition is kept alive. For the present, we find that the Municipal Corporation has taken effective measures and also appointed consultant to improve the roads in Mumbai and have taken into consideration the recommendations of Standing Technical Advisory Committee and the Committee constituted by this court, that the Standing Technical Advisory Committee has submitted its report. The Court appreciates the service rendered by the members of the Committee in highlighting the problems suffered due to bad and unkept roads and bringing some relief to the citizens of Mumbai.

4. Lack of basic civic amenities and bad road conditions have become order of the day. This is a

never ending story and common to all local statutory bodies and public works department who are responsible and accountable for construction, upkeep and maintenance of roads and with the on set of monsoon every year, the problem gets multiplied. There are incidences quoted before us where the roads do not exist and toll is collected, which comes under the jurisdiction of M.M.R.D.A., M.S.R.D.C. and P.W.D. We therefore, dispose of these petitions as this Court is of the view that it will not be able to continuously monitor constructions and maintenance of the roads within or beyond the Municipal limits of Greater Mumbai indefinitely. This Court is having atleast half a dozen public interest litigations filed by the citizens on the issue of bad road conditions in other Municipal Corporations like Thane, Pune and so on and those petitions are being pursued in accordance with law.

5. The request made on behalf of the petitioner that the term of the committee should be extended by nominating petitioners on the committee, according to us, is not necessary. We, therefore, finally dispose of these petitions with a direction to the Municipal Commissioner, Municipal Corporation of Greater Mumbai

that he would take stringent measures to maintain roads in the city of Mumbai in good conditions all round the year and to the authorities i.e. M.M.R.D.A. and M.S.R.D.C. who are entrusted with the work of construction of roads within the municipal limits, in their respective jurisdiction.

6. As we have already observed that this problem is never ending, citizens are at liberty to approach this Court in case deficiency is noticed of a particular road in question and the concerned officials, incharge of the area and the Municipal Commissioner can be issued a show cause notice to explain as to why appropriate action should not be taken against him for his failure to keep the roads in good working conditions that would keep the authorities in check.

7. With these observations, Petitions are disposed of.

J.N. PATEL, J.

A.A. SAYED, J.